

Annual Notice of Employee's Right to Union Representation

"Weingarten Rights"

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The Civil Service Reform Act gives employees represented by an exclusive labor organization the right to request representation during investigative examinations. Often referred to as the "Weingarten right," after a 1975 Supreme Court decision, this was extended to Federal employees by the Federal labor relations statute.

Statutory Requirement: 5 U.S.C. 7114 (a) (2) (B)

(2) An exclusive representative of an appropriate unit in an agency shall be given the opportunity to be represented at –

(B) any examination of an employee in the unit by a representative of the agency in connection with an investigation if –

(i) the employee reasonably believes that the examination may result in disciplinary action against the employee; and

(ii) the employee requests representation.

An investigative examination refers to an interview concerning alleged misconduct where the employee has reason to believe that he or she may be subject to disciplinary action. Routine work-related conversations, instructions or guidance given by a supervisor, and performance reviews are examples of discussions that are not covered.



Any questions concerning this notice, contact:

NSSC Customer Contact Center

1-877-NSSC123 or nssc-contactcenter@nasa.gov